



# PUBLIC NOTICE

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## PUBLIC SAFETY AND HOMELAND SECURITY BUREAU APPROVES REGION 41 (UTAH) 700 MHZ REGIONAL PLAN AMENDMENT

PS Docket No. 06-229; WT Docket No. 02-378

*Introduction.* On January 30, 2008, the Region 41 (Utah)<sup>1</sup> 700 MHz Regional Planning Committee (Region 41) submitted a proposed amendment to its 700 MHz Public Safety Plan for review and approval.<sup>2</sup> Region 41 concurrently requested a temporary, limited waiver of Sections 90.527(a)(3) and (6) of the Commission's rules, 47 C.F.R. §§ 90.527(a)(3), (6) (requiring that regional plans incorporate a general description of how the spectrum would be allotted among the various eligible users, and a detailed description of how the plan put the spectrum to the best possible use).<sup>3</sup> Region 41 utilizes the Computer Assisted Pre-allocation Resource and Database (CAPRAD) program as its pre-allotment methodology, which was not updated to reflect the new consolidated narrowband frequencies prior to the filing deadline for 700 MHz regional plans.<sup>4</sup>

On June 2, 2009, Region 41 resubmitted a Revised Plan Amendment to replace its January 30 submission, and provided the consolidated narrowband allotments. As a result, the waiver request is now moot. For the reasons discussed below, we approve the Region 41 700 MHz Plan Amendment.

*Background.* In 1998, the Commission established a structure to allow RPCs optimal flexibility to meet state and local needs, encourage innovative use of the spectrum, and accommodate new and as yet unanticipated developments in technology and equipment.<sup>5</sup> There are fifty-five RPCs, and each committee is required to submit its plan for the General Use spectrum.<sup>6</sup> The Commission's role in

<sup>1</sup> The Region 41 (Utah) 700 MHz regional planning area encompasses the entire state of Utah, consisting of 29 counties, and five major Native American tribes: Ute, Dine (Navajo), Goshute, Piute, and Shoshone.

<sup>2</sup> See Letter from Steve Proctor, Chairman, Region 41 (Utah) 700 MHz Regional Planning Committee, PS Docket No. 06-229 (filed Jan. 30, 2008) (submitting Plan Amendment and Waiver Request). The initial Region 41 plan was approved in November 2006.

<sup>3</sup> See Waiver Request at 1; see also 47 C.F.R. §§ 90.527(a)(3), (6).

<sup>4</sup> See Waiver Request at 1.

<sup>5</sup> See 47 C.F.R. § 90.527; see also Development of Operational, Technical and Spectrum Requirements for Meeting Federal, State and Local Public Safety Agency Communication Requirements Through the Year 2010, WT Docket No. 96-86, *First Report and Order and Third Notice of Proposed Rulemaking*, 14 FCC Rcd 152 (1998) (*First Report and Order*); Development of Operational, Technical and Spectrum Requirements For Meeting Federal, State and Local Public Safety Agency Communication Requirements Through the Year 2010, WT Docket No. 96-86, *Second Memorandum Opinion and Order*, 15 FCC Rcd 16844 (2000).

<sup>6</sup> See 47 C.F.R. § 90.527. Each RPC must incorporate certain common elements into its 700 MHz plan. A list of 700 MHz RPCs and region activities is available at <http://www.fcc.gov/pshs/public-safety-spectrum/700-MHz/>.

relation to the RPCs is limited to (1) defining the regional boundaries; (2) requiring fair and open procedures, *i.e.*, requiring notice, opportunity for comment, and reasonable consideration; (3) specifying the elements that all regional plans must include; and (4) reviewing and accepting proposed plans (or amendments to approved plans) or rejecting them with an explanation.<sup>7</sup>

On July 31, 2007, the Commission adopted a *Second Report and Order* revising the rules governing wireless licenses in the 700 MHz band.<sup>8</sup> The Commission adopted a plan for the 700 MHz band to establish a nationwide, interoperable public safety broadband communications network for the benefit of state and local public safety users. The Commission designated the lower half of the 700 MHz public safety band for broadband communications (763-768/793-798 MHz) and consolidated existing narrowband allocations in the upper half of the public safety 700 MHz band (769-775/799-805 MHz).

*Region 41 Revised Plan Amendment.* The Revised Plan Amendment corrects all references to the former General Use band with references to the current narrowband consolidated band, and includes a new Appendix C – Chart of Frequency Assignments. The frequency assignment chart reflects allocations in the current consolidated narrowband segments 769-775 MHz and 799-805 MHz.<sup>9</sup> In addition, Region 41 provides evidence of coordination with its five adjacent regions: Region 3 (Arizona), Region 7 (Colorado), Region 27 (Nevada), Region 29 (New Mexico), and Region 46 (Wyoming).<sup>10</sup>

On July 24, 2009, the Region 41 Plan Amendment was placed on *Public Notice* for comment.<sup>11</sup> We received no comments. Based on our review of the plan, we conclude that it complies with FCC rules and policies. Accordingly, pursuant to Section 4(i) of the Communications Act of 1934, as amended, 47 U.S.C. § 154(i), and Section 1.102(b) of the Commission's rules, 47 C.F.R. § 1.102(b), the Region 41 (Utah) 700 MHz Public Safety Plan Amendment is APPROVED.

This action is taken under delegated authority pursuant to Sections 0.191 and 0.392 of the Commission's rules, 47 C.F.R. §§ 0.191, 0.392.

Action by the Chief, Policy Division, Public Safety and Homeland Security Bureau.

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<sup>7</sup> *First Report and Order*, 14 FCC Rcd at 195 ¶ 87.

<sup>8</sup> Implementing a Nationwide, Broadband, Interoperable Public Safety Network in the 700 MHz Band; Development of Operational, Technical and Spectrum Requirements for Meeting Federal, State and Local Public Safety Communications Requirements Through the Year 2010, PS Docket No. 06-229, WT Docket No. 96-86, *Second Report and Order*, 22 FCC Rcd 15289 (2007).

<sup>9</sup> See Revised Plan Amendment, Appendix C – Region 41 Chart of Frequency Assignments.

<sup>10</sup> See Resubmitted Region 41 (Utah) 700 MHz Regional Plan, Federal Communications Commission, Public Safety and Homeland Security Bureau, WT Docket No. 02-378 (filed June 2, 2009) (submitting Revised Plan Amendment).

<sup>11</sup> See Public Safety and Homeland Security Bureau Seeks Comments on Region 41 (Utah) 700 MHz Revised Plan Regional Plan, PS Docket No. 06-229; WT Docket No. 02-378, *Public Notice*, 24 FCC Rcd 9353 (PSHSB 2009). Comments were due Aug. 13, 2009, and reply comments were due August 24, 2009.